

REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejections contained in the Office Action of September 3, 2008 is respectfully requested.

By this Amendment, claims 30, 31, 34-38 and 58 have been amended, and claims 32, 33 and 39-57 have been cancelled. Thus, claims 30, 31, 34-38 and 58 are currently pending in the application. No new matter has been added by these amendments.

Revisions have been made to the specification and abstract. No new matter has been added by the revisions. Entry of the amendments to the specification and abstract is thus respectfully requested.

On pages 2-3 of the Office Action, the Examiner objected to claims 30 and 34-36 due to informalities. In particular, the Examiner indicated that the parentheses around the last line of claims 30 and 34 should be deleted. Further, the Examiner indicated that the word "if" should be deleted in claims 34-36. In this regard, it is noted that the parentheses around the last line of claims 30 and 34 have been deleted in amended claims 30 and 34, and that the word "if" has been deleted in amended claims 34-36. Accordingly, it is respectfully submitted that the Examiner's objections are not applicable to the amended claims.

On pages 3-5 of the Office Action, the Examiner rejected claims 30, 31, 35, 36 and 38 under 35 U.S.C. § 102(b) as being anticipated by Ohkubo et al. (US 5,923,231). On pages 5-7 of the Office Action, the Examiner rejected claims 36 and 58 under 35 U.S.C. § 103(a) as being unpatentable over Ohkubo in view of JP 9-167936. For the reasons discussed below, it is respectfully submitted that the amended claims are clearly patentable over the prior art of record.

Amended independent claim 30 recites an electronic part which includes a substrate, a comb-type electrode that is disposed on an upper surface of the substrate, and a protective film that covers the comb-type electrode and has an uneven shape at a top surface thereof. Further, claim 30 recites that a height from the surface of the substrate which is in contact with the protective film to a top part of a convex portion of the protective film is t , a height from the surface of the substrate which is in contact with the protective film to a bottom part of a concave portion of the protective film is t_1 , a height ($t-t_1$) from the top part of the convex portion of the protective film to the bottom part of the concave portion of the protective film is t_2 , a pitch width of one pitch in the uneven shape of the protective film is L , a width of one pitch of the convex

portion of an unevenness in the uneven shape of the protective film is $L1$, a width of one pitch of the concave portion is $L2$, a pitch width of one pitch of the comb-type electrode is p , a width of one of electrode fingers which form the comb-type electrode is $p1$, a width between the electrode fingers is $p2$, and a film thickness of the comb-type electrode is h so as to satisfy $t2 \leq h$. Further, claim 30 recites that *correlations of $L \neq p$, $p1 + p2 = p$, $L1 + L2 = L$, $L1 < p1$ and $L2 > p2$ are satisfied*.

Ohkubo discloses a surface acoustic wave device having a piezoelectric substrate 10, an electrode formed of a conducting film 12 formed on the surface of the piezoelectric substrate 10 at a pitch P , and an insulating film 18. Further, Ohkubo discloses that the insulating film 18 has different thicknesses between first regions of the electrode, where the conducting film 12 is present, and second regions of the electrode, where the conducting film 12 is absent so that acoustic impedances of the first region and the second region with respect to the surface acoustic waves are substantially equal to each other.

However, Ohkubo does not disclose an electronic part in which *correlations of $L \neq p$, $p1 + p2 = p$, $L1 + L2 = L$, $L1 < p1$ and $L2 > p2$ are satisfied*, as required by independent claim 30. In particular, it is first noted that on page 4 of the Office Action, the Examiner indicates that the pitch P shown in Fig. 7 of Ohkubo corresponds with the pitch width 'p' of claim 30, that the width M shown in Fig. 7 corresponds with the width 'p1' of one of the electrode fingers of claim 30, and that the width $P-M$ corresponds with the width 'p2' of claim 30.

In this regard, as noted by the Examiner on page 4 of the Office Action, Ohkubo discloses that the convex portion of the insulating film is formed where the conducting film 12 is present, and therefore discloses that the width of one pitch of the convex portion of the insulating film 18 is equal to the width M of the electrode 12 (*i.e.*, $L1 = p1$). Similarly, Ohkubo discloses that the concave portion of the insulating film is formed where the conducting film 12 is absent, and therefore discloses that the width of one pitch of the concave portion of the insulating film 18 is equal to the width between electrodes (*i.e.*, $L2 = p2$). Therefore, Ohkubo does not disclose an electronic part in which correlations of **$L1 < p1$ and $L2 > p2$** are satisfied, as required by independent claim 30, because Ohkubo only discloses a device in which $L1 = p1$ and $L2 = p2$.

Therefore, it is respectfully submitted that Ohkubo does not anticipate independent claim 30. Further, it is noted that JP 9-167936 does not cure the defects of Ohkubo as discussed above with respect to claim 30.

In addition, on page 7 of the Office Action, the Examiner indicated that claims 34 and 37 contain allowable subject matter. As only minor amendments have been made to claims 34 and 37, it is respectfully submitted that claims 34 and 37 remain patentable over the prior art of record, and are allowable at least by virtue of their dependency from independent claim 30.

Therefore, it is respectfully submitted that independent claim 30, as well as claims 31, 34-38 and 58 which depend therefrom, are clearly allowable over the prior art of record.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice to that effect is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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